

1 HOUSE BILL 239
2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY
4 Eliseo Lee Alcon
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10 AN ACT

11 RELATING TO ANIMALS; PROHIBITING AN ANIMAL SHELTER FROM
12 EUTHANIZING OR CAUSING OR SOLICITING THE EUTHANASIA OF ANIMALS
13 IT SHELTERS OR TEMPORARILY HOUSES; CREATING A WEBSITE TO SEARCH
14 FOR MISSING PETS; CREATING AN INITIATIVE TO HELP COUNTIES
15 SECURE FUNDING FOR LOW OR NO-COST SPAY AND NEUTER PROGRAMS;
16 MAKING AN APPROPRIATION.

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. A new section of the Animal Sheltering Act is
20 enacted to read:

21 "[~~NEW MATERIAL~~] NO-KILL SHELTERS.--

22 A. Beginning January 1, 2028, an animal shelter
23 shall not euthanize or cause or solicit the euthanasia of an
24 animal that is sheltered or temporarily housed by the animal
25 shelter, except for an animal with a severe or untreatable

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1 illness or a dangerous animal that has caused a serious injury
2 to a person or domestic animal.

3 B. Each animal shelter shall assess current
4 operational needs, including staffing, facilities and outreach,
5 and provide to the board no later than December 31, 2023 a
6 comprehensive report of essential needs required to
7 successfully conform to the requirements and anticipated
8 effects of the provisions of Subsection A of this section.

9 C. The board shall oversee and promulgate rules for
10 the provisions of this section. A municipality or county may
11 by ordinance prescribe a penalty for a violation of the
12 provisions of this section."

13 SECTION 2. Section 77-1B-5 NMSA 1978 (being Laws 2007,
14 Chapter 60, Section 5, as amended) is amended to read:

15 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

16 A. adopt infrastructure and operating standards and
17 may enforce those standards with consideration of the
18 recommendations by the animal sheltering committee;

19 B. provide for inspections of animal shelters and
20 euthanasia agencies;

21 C. provide for oversight, including oversight of
22 licensing requirements, regulations and discipline, of
23 veterinarians employed by local government animal shelters;

24 D. adopt methods and procedures acceptable for
25 conducting emergency field euthanasia;

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1 E. adopt, promulgate and revise rules necessary to
2 carry out the provisions of the Animal Sheltering Act;

3 F. have authority to issue licenses and
4 certificates pursuant to the Animal Sheltering Act;

5 G. establish the types of licenses and certificates
6 that may be issued pursuant to the Animal Sheltering Act and
7 establish criteria for issuing the licenses and certificates;

8 H. prescribe standards and approve curricula for
9 educational programs that will be used to train and prepare
10 persons for licensure or certification pursuant to the Animal
11 Sheltering Act;

12 I. implement continuing education requirements for
13 licensees and certificate holders pursuant to the Animal
14 Sheltering Act;

15 J. conduct administrative hearings upon charges
16 relating to violations of provisions of the Animal Sheltering
17 Act or rules adopted pursuant to that act in accordance with
18 the Uniform Licensing Act;

19 K. provide for all examinations and for issuance
20 and renewal of licenses and certificates;

21 L. establish fees not to exceed one hundred fifty
22 dollars (\$150) for licenses and certificates pursuant to the
23 Animal Sheltering Act;

24 M. establish committees as the board deems
25 necessary to effect the provisions of the Animal Sheltering

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1 Act;

2 N. apply for injunctive relief to enforce the
3 provisions of the Animal Sheltering Act;

4 O. conduct national criminal background checks on
5 applicants seeking licensure or certification under the Animal
6 Sheltering Act;

7 P. keep a record of all proceedings;

8 Q. make an annual report to the legislature,
9 including information on the total number of dogs and cats
10 spayed and neutered and the average costs per surgery paid for
11 from the statewide spay and neuter subaccount of the animal
12 care and facility fund. The New Mexico department of
13 agriculture shall provide for inclusion in the annual report
14 the number of pet foods registered pursuant to Section
15 76-19A-10 NMSA 1978 for the current and previous year listed by
16 registrant;

17 R. provide for the inspection of animal shelters
18 and euthanasia agencies;

19 S. develop mechanisms to address complaints of
20 misconduct at animal shelters and euthanasia agencies and
21 noncompliance with the provisions of the Animal Sheltering Act
22 or rules adopted pursuant to that act;

23 T. develop mechanisms to address complaints of
24 licensee and certificate holder misconduct and noncompliance;

25 U. adopt standards for maintaining records

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1 concerning health care and disposition of animals; [~~and~~]

2 V. refer to the published association of shelter
3 veterinarians standards in determining its regulations for
4 animal shelters and euthanasia agencies;

5 W. develop and maintain a website to search for
6 missing pets that shall include the ability to post pets that
7 are found; and

8 X. coordinate a statewide initiative to assist
9 counties in securing funding for low- or no-cost spay and
10 neuter programs."

11 SECTION 3. APPROPRIATION.--Three million three hundred
12 thousand dollars (\$3,300,000) is appropriated from the general
13 fund to the local government division of the department of
14 finance and administration for expenditure in fiscal year 2024
15 to be distributed evenly among all counties for spay and neuter
16 programs. Any unexpended or unencumbered balance remaining at
17 the end of fiscal year 2024 shall revert to the general fund.